

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: ETHICON, INC., PELVIC REPAIR)	MDL NO. 2327
SYSTEM PRODUCTS LIABILITY)	
LITIGATION)	
)	
THIS DOCUMENT RELATES TO ALL)	JUDGE JOSEPH R. GOODWIN
CASES LISTED ON THE ATTACHED)	
EXHIBIT A)	

QUALIFIED PROTECTIVE ORDER

The individuals listed on attached Exhibit A have asserted claims in the above captioned action. These individuals have retained the following attorney(s), Fleming, Nolen & Jez, L.L.P. (referred to in this Order as “Counsel”) to represent them in the above-captioned action. Counsel agrees that they represent the individuals listed next to their names in Exhibit A.

IT IS HEREBY ORDERED AS FOLLOWS:

1. By virtue of their status as appointed representatives of individuals listed on Exhibit A, Counsel shall resolve any potential Part A and/or Part B fee for service Medicare Secondary Payer (MSP) claim(s) related to settlements, judgments, awards, or other payments associated with the above captioned action for those individuals on Exhibit A that are or were Medicare beneficiaries.
2. By virtue of their status as appointed representatives of individuals listed on Exhibit A, Counsel shall also resolve any potential state Medicaid, Tricare, Veteran’s Administration, and/or Indian Health Services (hereinafter “the Agencies”) claim(s) related to settlements, judgments, awards, or other payments associated with the above captioned action for those individuals on Exhibit A that are or were beneficiaries of the

Agencies. The entry of this HIPAA-compliant qualified protective order is necessary in this action in order to permit the Agencies to transmit protected health information regarding the plaintiffs to Counsel, including any third party authorized by Counsel to assist in the resolution of the Agencies' potential liens and reimbursement claims. As such, it is hereby ordered:

- a. This Qualified Protective Order shall apply to all "protected health information" and "individually identifiable health information," as defined by 45 CFR § 160.103, or information that is otherwise protected from disclosure by the Privacy Act, 5 U.S.C. § 551a, the Health Insurance Portability and Accountability Act of 1996, Pub. L. 104-191, 42 CFR § 431 Subpart F, titled "Safeguarding Information on Applicants and Recipients" and other applicable state law, created, received or collected from Plaintiffs by the Agencies, including, but not limited to: (a) names and addresses, dates of birth, social security numbers, identification numbers and other demographic information that identifies, or could be used to identify plaintiffs; (b) eligibility and entitlement information; (c) claims information relating to the past, present, or future health care of plaintiffs; (d) claims information relating to the provision of healthcare to plaintiffs; and, (e) claims information relating to the past, present, or future payment for the provision of healthcare to plaintiffs.
- b. Each Agency is hereby authorized and directed to transmit to Counsel, including any third-party specifically authorized by Counsel to assist in the resolution of potential liens or reimbursement claims, any information, including claims

information and other protected health information, for those plaintiffs listed on Exhibit A against whom they may assert liens or reimbursement claims.

- c. Counsel, including any authorized third party acting on their behalf, shall not use or disclose any protected health information or individually identifiable health information subject to this Qualified Protective Order for any purpose other than this litigation. Similarly, the Agencies shall only use the information listed on Exhibit A for the specific purposes of transmitting to Counsel any information, including claims information and other protected health information, for those plaintiffs in the above-captioned matter against whom the Agencies have asserted liens or reimbursement claims, or in whose potential settlements the Agencies may have an interest. The Agencies shall only make the information listed on Exhibit A available to those within their respective Agency who need access to the information listed on Exhibit A for the specific purpose stated in this paragraph. If the Agency utilizes outside vendors or companies to perform part or all of their tort recovery practices, the outside vendors or companies shall be expressly bound by all terms and conditions of this Qualified Protective Order.
- d. Counsel, including any authorized third party acting on their behalf, shall maintain any protected health information or individually identifiable health information subject to this Qualified Protective Order in a secure and safe area and shall exercise the same standard of due and proper care with respect to the storage, custody, use and/or dissemination of such protected health information as is exercised by Counsel with respect to its own confidential proprietary information.

- e. At the conclusion of this litigation, Counsel shall certify to the Agencies that the protected health information or individually identifiable health information provided pursuant to this Order, including all copies made, has been destroyed.

IT IS SO ORDERED.

SIGNED AND ENTERED this ____ day of _____, 2017.

Honorable Judge Joseph R. Goodwin

EXHIBIT A

Plaintiff Name (Last, First)
Aguirre, Elizabeth
Almy, Christina
Ammons, Lynn
Anderson, Patricia
Anderson, Renee
Andrews, Dee
Austin, LaDonna
Avila, Esther
Baca, Deborah
Ball, Shannon
Banister, Beth
Barney, Karrie
Batis, GeorgeAnn
Bawa, Patricia
Bear, Bernadette
Beatrice, Ninia
Bollinger, Suzette
Bolt, Brenda
Brake, Karen
Branch, Jura
Brennan, Marcella
Britt, LaVerne
Brown, Thelma
Bruner, Sherri
Bunnell, Helen
Busby, Marilyn
Bush, Carolyn
Call, Zeralene
Callahan, Jodie
Callaway, Herlinda
Castillo, Carmen
Cave, Dana
Champion, Joyce
Clark, Maggie
Coe, Tammy
Collins, Alice
Colucci, Patricia
Comans, Frances
Conley, Maglenda
Conti, Barbara
Cook, Sharon
Cooper, Dixie
Cortes, Blanca
Cutter, Jenesta
Dailey, Kathy
Damron, Judy

Datray, Karen
Davenport, Shirley
Davis, Terri
Dawson, Mary
Dillard, Penny
Duplessis, Roberta
Duran, Irma
Dyarman, Jennie
Dyer, Joyce
Edmondson, Carol
Elkington, Sandra
Ellenburg, Annette
Emblom, Margaret
Escamilla, Tracy
Etter, Faye
Eversole, Debbie
Fannin, Diana
Field, Connie
Fitts, Rosa
Fleming, Stacey
Franks, Keri
Frye, Susan
Fulkerson, Debbie
Fulton, Marilyn
Funches, Liza
Gallup, Lydia
Gaona, Evangelina
Garcia, Alma
Garcia, Yolanda
Garza, Nancy
Geriets, Beverly
Glass, Beverly
Glenn, Kim
Goode, Anna
Goodwin, Carrie
Gossen, Rose
Greene, Joann
Griffin, Monica
Griffiths, Suzanne
Guthrie, Shauna
Hall, Barbara
Hall, Roberta
Hampton, Charlene
Hampton, Zona
Harden, Terri
Harmon, Alicia
Harris, Brenda

Harris, Lillian
Harvley, Stacie
Herman, Sheryl
Hernandez, Adriana
Hibler, Susan
Hidalgo, Adriana
Hill, Rachelle
Hilton, Rose
Himes, Carolyn
Hodge, Antonia
Hofsommer, Karen
Hollaway, Martha
Holman, Cam
Honnoll, Rosalind
Howze, Joyce
Izatt, Carma
Jacobson, Judy
Jelks, Mary
Jenkins, Barbara
Jernstedt, Sonja
Jewett, Nancy
Jex, Patricia
Johnson, Ruth
Johnson, Victoria
Jones, Jo
Karpus, Pamela
Keller, Linda
Kilgore, Debra
Kimball, Gladys
King, Phyllis
Kircher, Patricia
Kloeber, Julie
Klotz, Josephine
Knox, Frances
Krueger, Mary
Kvarfordt, Wanda
Lakins, Brenda
Landry, Cherie
Ledford, Lisa
Leggett, Gail
Lester, Mary
Lewis, Jacqueline
Leyba, Sofie
Lightell, Billie
Lloyd, LaSedar
Lockett, Alma
Lopez, Sylvia

Lynem, Yvonne
Madsen, Anita
Maez, Sally
Mann, Cynthia
Mann, Kimberly
Martinez, Ruby
McCarthy, Mary
McGehee, Mazie
McGrane, Catherine
McGuigan, Tina
Meisinger, Judith
Mellinger, Bette
Melton, Doris
Milani, Jena
Miller, Samantha
Mitchell, Deitra
Moore, Samantha
Morris, Adeline
Mullins, Lottie
Murphy, Brenda
Mutte, Evelyn
Newcomb, Kathryne
Norman, Lidia
Norris, Lisa
O'Brien, June
Odom, Jami
Park, JoAnne
Pendergrass, Beverly
Person, Jacqueline
Pettway, Djuna
Pierce, Sharrie
Pomykala, Kathleen
Powell, Melissa
Prince, Wanda
Puckett, Stacy
Pynn, Wynne
Rabinsky, Judith
Radliff, Jo
Raines, Linda
Ramsey, Frances
Raymond, Julie
Reed, Ronda
Reid, Mary
Reilly, Rebekka
Ressler, Shauna
Reynolds, Tanda
Richards, Phyllis

Riley, Sonya
Robba, Beth
Rodriguez, Yolanda
Rollwagen, Cheryl
Roman-Hall, Connie
Rowlett, Alotha
Ruebel, Ana
Ruehlen, Carle
Russell, Gracie
Russell, Penney
San Filippo, Doris
Sassa, Kim
Saylor, Katie
Schnellenberger, Rita
Schwyhart, Julia
Self, Liliana
Sharpe, Joyce
Shearer, April
Smiley, Terri
Smith, Dorothy
Smith, Gladys
Sommer, Linda
Spencer, Bernadine
Spencer, Lawana
Spicer, Marla
Squires, Samantha
Sta-Maria, Terri
Suter, Margaret
Swicki, Maria
Taggart, Stephanie
Tasz, Estelle
Taylor, Sheila
Thacker, Connie
Thomas, Gayle
Thompson, Diane
Thourogood, Shylene
Tolley, Gail
Tomlinson, Peggy
Turner, Cathleen
Turner, Mona
Unsicker, Kayetta
Vail, Effie
Van Sickle, Paula
Vanover, Sherry
Velazco, Brenda
Walker, Dorothy
Wangler, Marion

Watkins, Cynthia
Weaver, Dorothy
Webb, Mary
Weerts, Patricia
Weldon, Jane
White, Mary
Whitehead, Rebecca
Williams, Katherine
Williams, Nora
Williams, Yvette
Winkelman, Karen
Wooten, Melissa
Wunsh, Diane
Young, Carolyn
Young, Catherine
Young, Janett
Zaccardi, Cindy
Zeek, Mable
Ziegler, Betty
Zutz, LaVonne